

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

BRITTANY CLEVELAND,

Plaintiff,

v.

CENTRAL HAULING CO.;
ANTHONY MYRICK,

Defendants.

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Civil Action No. _____

**DEFENDANT ANTHONY MYRICK'S
NOTICE OF REMOVAL**

Defendant, Anthony Myrick, files this Notice of Removal based on diversity of citizenship pursuant to 28 U.S.C. § 1332 and in support thereof would respectfully show the Court the following:

**I.
BASIS FOR REMOVAL**

1. Removal is proper under 28 U.S.C. § 1332 based on diversity of citizenship because Plaintiff, Brittany Cleveland (hereinafter "Cleveland"), and Defendants, Central Hauling Co. (hereinafter "Central") and Anthony Myrick (hereafter "Myrick"), are citizens of different states and Cleveland is seeking damages in excess of \$75,000.

2. On August 22, 2016, Cleveland filed her state court lawsuit in the District Court, Dallas County, Texas. *See* Exhibit A (Original Petition). The lawsuit arises out of an alleged automobile accident involving Cleveland and Myrick who was driving a truck allegedly owned by Central on Interstate 635 in Mesquite, Dallas County, Texas. *Id.* Myrick was added as a Defendant through the First Amended Petition filed on May 23, 2017. *See* Exhibit B (First

Amended Petition). The First Amended Petition was served on Myrick on June 2, 2017. *See* Exhibit C (Return of Service).

3. In the First Amended Petition, Cleveland alleges she is resident of Texas. *See* Exhibit B at ¶ 2.1. In the First Amended Petition, Cleveland alleges Central is a resident of Arkansas. *Id.* at ¶ 2.2. In the First Amended Petition, Cleveland alleges Myrick is a resident of Florida. *Id.* at ¶ 2.3.

4. In the First Amended Petition, Cleveland alleges she seeks monetary relief over \$1,000,000. *Id.* at 3.2.

5. Central consents to removal of this action to Federal Court.

6. Because all parties are citizens of different states and Cleveland is seeking recovery against in excess of \$75,000 the elements for removal under 28 U.S.C. § 1332 are satisfied.

7. Myrick was served a copy of the First Amended Petition on June 2, 2017, at which point first notice of the summons and petition was given, less than 30 days before this filing. *See* Exhibit C. This state court lawsuit was originally initiated on August 16, 2016, less than one year before this filing. Therefore, this Notice of Removal is timely under 28 U.S.C. § 1446.

8. All pleadings, process, orders, and other filings in the state court action are attached with this Notice as required by 28 U.S.C. § 1446(a). *See* Exhibit D (Index and filings). A copy of this Notice is also concurrently being filed with the state court and served upon Cleveland as required by 28 U.S.C. § 1446(d).

9. Venue is proper in this Court under 28 U.S.C. § 1441(a) because this district and division embrace Dallas County, Texas, the place where the removed action is pending.

II.
PRAYER

10. BASED ON THE FOREGOING, Defendant, Anthony Myrick, requests that this action be removed from the 134th Judicial District Court in Dallas County, Texas to the United States District Court for the Northern District of Texas, Dallas Division.

Respectfully submitted,

THOMPSON, COE, COUSINS & IRONS, L.L.P.

/s/ Richard M. Mosher

By: _____

Richard M. Mosher
Texas State Bar No. 14580300
Christopher G. Rigler
Texas State Bar No. 24091028

Plaza of the Americas
700 N. Pearl Street, 25th Floor
Dallas, Texas 75201-2832
Telephone: (214) 871-8200
Facsimile: (214) 871-8209
E-Mail: rmosher@thompsoncoe.com
crigler@thompsoncoe.com

**ATTORNEY FOR DEFENDANT CENTRAL
HAULING CO. and ANTHONY MYRICK**

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing pleading has been submitted electronically with the clerk of the U.S. District Court, Northern District of Texas, Dallas Division, using the court's electronic case file system. I hereby certify that I have served the same on all counsel of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

By: E-file

Kevin W. Vice

Dale H. Henley

Mayo, Mendolia & Vice, LLP

5368 State Highway 276

Royse City, TX 75189

kvice@mmvllp.com

dhenley@mmvllp.com

Counsel for Plaintiff

Date: June 21, 2017

/s/ Richard M. Mosher

Richard M. Mosher
Christopher G. Rigler